

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**RESPONSE TO FOX NEWS NETWORK LLC'S
MOTION TO INTERVENE**

The State Defendants submit this response to Fox News Network's Motion to Intervene, [Doc. 1251]. Pursuant to the terms of the Contract with Dominion Voting Systems, State Defendants cannot consent to disclosure of confidential information beyond that which is "legally required." *See, e.g.*, [Doc. 619-8 at Secs. 11, 12]. Here, this Court has permitted only limited access to the Dominion Equipment, over objections, and has likewise continued to permit only limited access to the Report which is derivative of that access. *See* Nov. 19, 2021 Hr'g Tr. 85:12–25. Accordingly, State Defendants incorporate herein the response of U.S. Dominion, Inc., [Doc. 1285].

State Defendants note, however, that the repetitive motions for intervention should have never occurred in the first instance. Curling

Plaintiffs erroneously filed Dr. Halderman’s expert report into the docket of this case despite Rule 5’s explicit direction that “disclosures under Rule 26(a)(1) or (2) ... **must not be filed** until they are used in a proceeding or the court orders filing.” Fed. R. Civ. P. 5(d)(1)(A) (emphasis added). Unfortunately, Plaintiffs’ reason for ignoring Rule 5 is hardly a secret—recognizing the lack of legal merit to their claims, Plaintiffs are content to instead wage their battle in the press rather than this Court. And while they are free to decide their public-relations and litigation strategy, that press battle is yet another indicium of the generalized, political nature of their claims.

Respectfully submitted this 26th day of January 2022.

/s/ Carey Miller

Vincent R. Russo

Georgia Bar No. 242628

vrusso@robbinsfirm.com

Josh Belinfante

Georgia Bar No. 047399

jbelinfante@robbinsfirm.com

Carey A. Miller

Georgia Bar No. 976240

cmiller@robbinsfirm.com

Alexander Denton

Georgia Bar No. 660632

adenton@robbinsfirm.com

Robbins Ross Alloy Belinfante Littlefield LLC

500 14th Street, N.W.

Atlanta, Georgia 30318

Telephone: (678) 701-9381

Facsimile: (404) 856-3255

Bryan P. Tyson

Georgia Bar No. 515411

btyson@taylorenglish.com

Jonathan D. Crumly

Georgia Bar No. 199466

jcrumly@taylorenglish.com

James A. Balli

Georgia Bar No. 035828

jballi@taylorenglish.com

Diane F. LaRoss

Georgia Bar No. 430830

dlaross@taylorenglish.com

Bryan F. Jacoutot

Georgia Bar No. 668272

bjacoutot@taylorenglish.com

Loree Anne Paradise

Georgia Bar No. 382202

lparadise@taylorenglish.com

TAYLOR ENGLISH DUMA LLP

1600 Parkwood Circle, Suite 200

Atlanta, GA 30339

Telephone: 678-336-7249

Counsel for State Defendants

L.R. 7.1(D) CERTIFICATION

I certify that this Notice of Filing has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C). Specifically, this Response has been prepared using 13-pt Century Schoolbook font.

/s/ Carey Miller
Carey A. Miller